

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:20-cv-00481

James K. Morton,
Plaintiff,

v.

Commissioner, Social Security Administration,
Defendant.

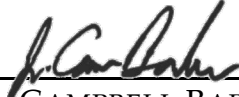
ORDER

Plaintiff James K. Morton filed this action pursuant to 42 U.S.C. § 405(g) for judicial review of defendant's decision denying his application for benefits. Doc. 1. The case was referred to United States Magistrate Judge K. Nicole Mitchell pursuant to 28 U.S.C. § 636(b). Doc. 2.

On December 1, 2020, plaintiff was ordered to show cause within 10 days why this action should not be dismissed without prejudice for failure to timely effect service. Doc. 7. Plaintiff filed a response 10 days later demonstrating that "counsel initiated certified mail to Defendant on December 1, 2020—the date the show cause order was entered," and additionally "request[ed] dismissal of this case without prejudice." Doc. 9; *see* Doc. 8. On December 30, 2020, the magistrate judge issued a report recommending dismissal of the complaint without prejudice for failure to prosecute. Doc. 9. Plaintiff did not file any objections to the report.

When there have been no timely objections to a magistrate judge's report and recommendation, the record is only reviewed for clear error. *Douglass v. United Servs. Auto. Ass'n.*, 79 F.3d 1415, 1420 (5th Cir. 1996). Having reviewed the magistrate judge's report and being satisfied that it contains no clear error, the court **accepts** its findings and recommendation. The court **orders** that the above-styled civil action is **dismissed without prejudice**.

So ordered by the court on January 19, 2021.

A handwritten signature in black ink, appearing to read "J. Campbell Barker", is written over a horizontal line.

J. CAMPBELL BARKER
United States District Judge